

ECKERT SEAMANS CHERIN & MELLOTT, LLC

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TN RE  
TELECOM

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September 16, 2003

**VIA FACSIMILE NO. 615-741-5015**

Ms. Patsy Fulton  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

Boston  
Haddonfield, NJ  
Harrisburg  
Morgantown, WV  
Philadelphia  
Pittsburgh  
Washington, D.C.

RE: Citynet Tennessee, LLC (the "Company")  
Docket No.: 03-00469

Dear Ms. Fulton:

We are in receipt of Mr. Werner's letter to Boyd B. Ferris, Esquire dated August 20, 2003. This letter will serve as the Company's response to certain of the items contained in the letter while we are awaiting clarification and documentation regarding certain other items. The responses that follow are numbered to correspond with the respective item number in the August 20, 2003 letter.

2. The relationship of Citynet Holdings, LLC to the Applicant is that Citynet Holding, LLC owns 100% of Citynet Tennessee, LLC.
6. Attached please find Exhibit 1 which is a description of the equipment and certain other assets which Citynet acquired from Adelphia Business Solutions in Johnson City and Kingsport, as well as a description of proposed equipment.
9. The name and telephone number of the employees of the Company that will be responsible to work with the TRA on resolving customer complaints (Duane Bennett (614) 827-7011 and David Rardin (614) 827-7011), are included on Page 4 of the Pre-Filed Testimony of Duane Bennett, Exhibit K of the Application for Certificate to Provide Competing Local Telecommunication Services.

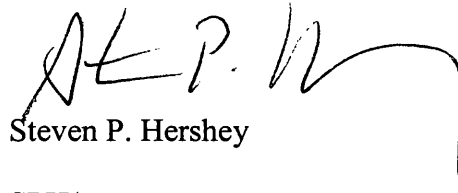
Steven P. Hershey  
215-851-8421  
sph@escm.com  
M0426292

11. The Company's County Wide Calling Plan is attached as Exhibit 2.
12. Currently, the Company has no intention to telemarket its services in Tennessee at this time. The Company is familiar with the Tennessee telemarketing statutes and regulations

Please advise me whether the above information sufficiently answers the question to which it pertains. We will provide the remaining information and documentation as soon as possible.

Thank you for your assistance and courtesy.

Sincerely,



Steven P. Hershey

SPH/

cc: Mr. Duane Bennett

EXHIBIT 1

**Equipment:**

**Citynet has acquired certain assets of Adelphia Business Solutions in Johnson City and in Kingsport. Those assets include, but are not limited to the following list:**

- 1. Transport and equipment Huts (24 X 36) in Kingsport & in Johnson City**
- 2. Fiber transmission equipment (OC48 to DS1) Kingsport & Johnson City**
- 3. Back up generators in Kingsport & Johnson Citynet**
- 4. Fiber crosscut equipment Kingsport & Johnson City**
- 5. Battery back-up systems in Kingsport & Johnson City**
- 6. Fiber metro networks in Kingsport & Johnson City**
- 7. Fiber backbone between Kingsport & Johnson City**

**In addition to this equipment, Citynet will install a class 5 switch in the Johnson City hut and remote switching equipment in the Kingsport hut. This equipment is of the size and nature to handle the expected sales in those two cities for at least the next two years. The exact make of switch will be decided after the license is granted (currently Citynet uses Lucent #5 ESS's and Taqua class 5 switches). Citynet will also colo OC48 equipment in the ILEC office for direct hand-off of calls.**

**It is expected that Citynet will be operational with 3 to 5 months after the CLEC license is grant. This delay is due to the time required to acquire colo space (this process can not start until the OCN and ACNA numbers are provided and they need the license before they can be acquired) from the ILEC and installation and testing of the interconnection trunks including 911, 411, OA and DA.**

**Citynet does not expect to expand very far outside of the Kingsport or Johnson City area for at least the next two years. This is because Citynet has fiber that Citynet owns that reaches into Johnson City from West Virginia that gets Kingsport and Johnson City back to the Citynet network. For Citynet to expand beyond these cities would require Citynet to build additional network. That project is currently not being considered. Therefore growth of Citynet will be limited to Johnson City and Kingsport for at least the next two years.**

## EXHIBIT 2

### County Wide Calling Plan

CITYNETS County Wide calling plan will mirror the ILEC (Sprint) in which any call that originates and ends within County Boundaries will not be toll rated. In addition any City-to-City call within the same County Boundaries also falls under the no toll status. Intra city calls regardless of county boundaries are a non-toll rated call.

The following are prefixes that are specific to each County in our Service area. Any call that originates from one prefix to another within the County will not be rated as a toll call.

#### Washington County Prefixes

##### **Area code 423**

**Calling areas within County Boundaries** - Johnson City, Jonesborough, Limestone and Midway, Fall Branch, Sulphur Springs TN

207	213	218	220	232	233	257	262
282	283	292	348	384	410	412	426
431	433	434	439	446	461	<b>477(Midway Washington)</b>	
483	528	610	676	677	685	722	737
741	747	753	767	773	788	791	794
795	833	854	897	913	915	926	928
929	938	943	946	948	952	953	975
979							

#### Sullivan County Prefixes

##### **Area code 423**

**Calling areas within County Boundaries** - Kingsport, Blountville, Bristol, Bluff City, Sullivan Gardens, Midway Sullivan CountyTN

212	217	224	229	230	239	245	246
247	256	274	276	279	288	306	323
325	335	340	341	343	349	354	357
360	361	366	367	378	383	389	390
391	392	390	397	416	418	467	<b>477( Midway Sullivan)</b>
482	484	502	529	534	538	571	578
612	646	652	662	723	726	742	758
761	764	782	789	793	797	817	844
857	863	878	879	914	917	956	963
967	968	989	990				

If a prefix happens to be in two counties, then Citynet will provide the call for free in both counties for that prefix. If at some time in the future Citynet decides to charge a toll cost for the calls outside that county we will access the Bell South database and determine by the tax district which call is in which county.